The Progress of Reform,

AN ADDRESS DELIVERED

AT THE ANNUAL MEETING OF

THE NATIONAL CIVIL-SERVICE REFORM LEAGUE

BY

HON. GEORGE WILLIAM CURTIS

NEW YORK:
PUBLISHED FOR THE
NATIONAL CIVIL-SERVICE REFORM LEAGUE,
1883.

PUBLICATIONS OF THE NATIONAL LEAGUE.

Record of Conference at Newport, 1881. Per copy, . 10 cts.

Proceedings at the Annual Meeting of the National Civil-Service Reform League, 1882, with address by George William Curtis. Per copy, 10 cts. Per 100, ... $7 50

The same for 1883. Per copy, 10 cts. Per 100, . . . $7 50

The Progress of Reform. By George William Curtis. Per copy, 3 cts. Per 100, ... $2 50

Report on the Expediency of Asking Candidates for Public Office their Views on Civil-Service Reform. Per copy, 10 cts. Per 100, ... $7 50

Address to the Reverend Clergy of all Denominations in the United States. By JOHN JAY. Per copy, 2 cts. Per 100, $1 50

Address to the Voters of the United States. By GEORGE WILLIAM CURTIS. Per copy, 1 ct. Per 100, ... 75 cts.

The Four Years' Term, or Rotation in Office. By FREDERIC W. WHITRIDGE. Per copy, 3 cts. Per 100, . . . $2 00

PUBLICATIONS OF THE NEW YORK ASSOCIATION.

I. **Purposes of the Civil-Service Reform Association,** including its constitution. Per copy, 5 cts. Per 100, . . $2 75

II. **The Beginning of the Spoils System in the National Government, 1829-30.** (Reprinted, by permission, from Parton's "Life of Andrew Jackson.") Per copy, 5 cts. Per 100, $3 00

III. **The Spoils System and Civil-Service Reform in the Custom-House and Post-Office at New York.** By DORMAN B. EATON. 136 pages, 8vo. Per copy, 25 cts. Per 100, . . $10 00

IV. **Civil-Service Reform in the New York Custom-House.** By WILLARD BROWN. Per copy, 5 cts. Per 100, . . $3 00

V. **Term and Tenure of Office.** By DORMAN B. EATON. Second edition, abridged. Per copy. 15 cts Per 100, . $10 00

VII. **The Danger of an Office-Holding Aristocracy.** By E. L. GODKIN. Per copy, 5 cts. Per 100, . . . $3 00

What the Competitive Examinations really are. Per copy, 3 cts. Per 100, ... $2 00

Daniel Webster and the Spoils System. An extract from Senator Bayard's oration at Dartmouth College, June, 1882. Per copy, 3 cts. Per 100, ... $1 50

The "Pendleton Bill." Bill to Regulate and Improve the Civil Service of the United States, as approved. Per copy, 3 cts. Per 100, $1 50

Orders for the publications will be filled by WILLIAM POTTS, Secretary, 4 Pine Street, New York.

The Progress of Reform,

AN ADDRESS DELIVERED

AT THE ANNUAL MEETING OF

THE NATIONAL CIVIL-SERVICE REFORM LEAGUE

BY

HON. GEORGE WILLIAM CURTIS

NEW YORK:
PUBLISHED FOR THE
NATIONAL CIVIL-SERVICE REFORM LEAGUE,
1883.

PRESS OF
WILLIAM S. GOTTSBERGER
11 Murray St., New York.

The Progress of Reform.

Two years ago a conference of friends of reform in the Civil Service was held in this place. The conference organized this National League and passed the following resolution :—

Resolved, that the bill introduced in the Senate by Mr. Pendleton of Ohio provides a constitutional, practicable, and effective measure for the remedy of the abuse known as the spoils system, and that the associations represented in the conference will use every honorable means, in the press, on the platform, and by petition, to secure its passage.

That resolution was adopted on the 11th of August, 1881. On the 16th of January 1883, upon the earnest recommendation of President and by overwhelming majorities in Congress, the Pendleton bill became a law, and on the 16th of July, 1883 amid the general applause of the country it went into effect. If the year which ended at our last annual meeting could be truly called the year of awakening, that which ends to day may be as truly described as the year of achievement. I doubt if any reform of similar scope and importance has ever commended itself more rapidly to public approval, and nothing could more fully justify confident and patient reliance upon a persistent and reasonable appeal to public opinion than the progress of this movement.

When we met here a year ago, Congress was still in session. The Pendleton bill had been reported to the Senate, but no action had been taken. The House of Representatives, with

ribald sneers at the project of reform, had contemptuously granted the President three-fifths of the pittance which he had "urgently" asked to enable him to continue efforts of reform which had been begun. The record of the proceedings upon this subject in the House of Representatives last summer is one of the most disgraceful passages in the history of Congress. Members not only ridiculed the suggestion of reform in administrative methods, but they summarily swept aside the President's veto of extravagant appropriations. At the annual meeting of the league, in speaking of the conduct of certain members of Congress I ventured to say that they were singularly ignorant of the tendency and force of public opinion, and that reckless defiance of public intelligence was a perilous record upon which to go to the country. The issue was plainly made and an appeal taken at the polls. The result of the election was startling and impressive. The most conspicuous enemies of reform were dismissed by their constituents from the public service, and, although it is not always easy precisely to define the significance of a general election, it was universally conceded that, whatever else the result might mean, it was a clear and decisive demand of the country for Civil-Service Reform. The response of Congress was immediate, and never was the flexibility of a popular system more signally displayed.

The Congress which had adjourned in August laughing at reform, heard the thunder of the elections in November and reassembled in December. If members had been draped in sheets and had carried candles, they could not have borne a more penitential aspect. On the 4th of December the President sent in his message. He frankly urged the passage of the Pendleton bill or of some other equally effective measure, and promised his

hearty cooperation in enforcing it. On the same day in the House, Mr. Kasson introduced a bill for the better regulation of the civil service; Mr. Herbert a bill to prohibit political assessments; Mr. Hiscock a resolution to facilitate the range of a general reform bill; and the rules of the House were suspended in order to direct the committee upon reform to report at any time. Nothing could restrain the righteous zeal for reform. On the 6th a stringent inquiry was proposed by Mr. Beck in the Senate into the system of political assessments. On the 7th additional copies of the Pendleton bill, for which, it was stated, there is "much call," were ordered printed. On the 9th the committee of the House of Representatives on reform in the civil service reported what was known as the Kasson bill as a substitute for the Pendleton bill. On the same day in the Senate, in reply to an inquiry, Mr. Pendleton said that he proposed to make his bill a special order for the 11th. During all these days the debate upon the political assessments was proceeding in the Senate, and upon this day, the 9th, a comprehensive and effective bill prohibiting such assessments under severe penalties was introduced by Mr. Hawley, and was referred to the committee on civil service and retrenchment of which he was chairman. This bill is comprised in the 11th and 15th sections of the reform bill as finally passed. On the 11th of December Mr. Pendleton called up the bill known by his name, which was temporarily laid aside until the next day. On the 12th the Senate ordered the reports upon the administration of the post-office and custom-house in New York, in which the reformed system was enforced, to be laid before it. The Pendleton bill was then read for the first time with certain carefully considered amendments, and then, on the 8th day of

the session, Mr. Pendleton in an elaborate speech opened the debate.

On the same day the Kasson bill as amended was reported to the House. Mr. Willis of Kentucky and Mr. Bayne of Pennsylvania introduced two substitutes which were substantially the Pendleton bill. On the 13th Mr. Kasson sought to press his bill in the House, but Mr. Hiscock, disclaiming any desire to delay legislation upon the subject, preferred to await the action of the Senate, and the House took up an appropriation bill. On the same day the Senate referred the proposal for inquiry into the system of political assessments to the committee on the judiciary. It rained and hailed reform. On the 15th of December in the House, Mr. Harris of Massachusetts introduced a reform bill. On the 20th Mr. Dawes in the Senate relinquished the bill which he had proposed to substitute, and advocated the passage of the Pendleton bill. On the 23rd Mr. Edmunds from the committee on the judiciary reported a bill prohibiting assessments. On the 24th Mr. Hawley from the committee on civil service and retrenchment offered four sections, including his bill of the 9th, which are now the 11th, 12th, 13th, and 15th sections of the reform act. The debate in the Senate had continued for a fortnight, and the opposition, at last aware of the positive demand of the country, had sought to defeat reform indirectly by amendments intended to cripple the bill. Mr. Hawley, as chairman of the committee which had reported the bill at the previous session, had charge of it through the discussion, and displayed the most excellent tact and temper, acuteness and agility, in perceiving and baffling the blows which were meant to disable and, if possible, to destroy it. During the progress of the debate, Messrs. Dorman

B. Eaton and Everett P. Wheeler went to Washington on behalf of this league, and by their familiarity with the details of the bill, as well as with the nature and extent of the abuses to be corrected and with the principles and history of the reform movement, rendered great service to the cause. On the 27th of December, three weeks and two days from the opening of the session, the Pendleton bill passed the Senate by a vote of 38 yeas to 5 nays, 33 senators being absent. On the following day the bill prohibiting political assessments, which Mr. Edmunds had reported from the judiciary committee, was passed, in addition to the rigorous prohibitory provisions already incorporated in the reform bill.

On the 30th of December the Pendleton bill and the Edmunds assessment bill were received by the House from the Senate, and were referred to the committee on reform in the civil service with leave to report at any time. On the same day the House adjourned until the 2d of January. On the 4th Mr. Kasson reported the Pendleton bill without amendment, and hoped that the debate would be ended in a week. A confused colloquy began upon the rightful precedence of other bills, in the midst of which Mr. Cox of New York proposed amid applause that, as the Pendleton bill had been thoroughly discussed in the Senate, it should be at once put upon its passage in the House. The disposition of the House was unmistakable, but a desperate effort was made to defer the vote by sending the bill to the committee of the whole. The speaker steadily ruled that the House would proceed to consider the bill, and recognized Mr. Kasson. The bill was read. Amid great excitement and applause Mr. Kasson moved the previous question. It was ordered. A demand for debate was made amidst a loud cry for the vote. The speaker

ruled that 30 minutes for debate were allowed by the rules upon a bill which had not been debated and upon which the previous question had been ordered. A rapid debate followed. Amendments were attempted, but they were ruled out of order. Appeals were made to amend by unanimous consent and to recommit with instructions. But every device to obtain delay and to strike at the bill was happily baffled. The 30 minutes expired, and Mr. Kasson demanded the yeas and nays upon the passage of the bill. They were ordered, and by a vote of 155 yeas to 47 nays, and with 87 members not voting, the Pendleton bill was passed.

The House which was so eager to make the bill a law that it would not tolerate debate and loudly cheered the proposal of an immediate vote, was the same house that five months before had derisively and angrily refused to give a paltry sum and to aid a single experiment of reform. Members who could not laugh loud enough at the ridiculous whim of transacting the public business upon business principles, now tumbled over each other in their breathless haste to make that whim the national policy. From that moment that Congress met, this question had taken precedence of all others. As Mr. Willis truly said, "Bill had followed bill, resolution had crowded upon resolution," and Congress did not pause until the duty which it felt to be the most imperative was performed. The Congressional Record of December 5th records the meeting of Congress. The record of January 5th records the passage of the Pendleton bill. I have told the story in detail, for I know no more amusing and significant story in the history of American politics.

But the history of the year discloses other striking results of the public interest in the subject. A year ago the case of Gen.

Curtis, an employè of the United States indicted for receiving political assessments, was still pending. He had been convicted on the 25th of May in the circuit court of the United States for the southern district of New York. Upon his appeal, the full bench of the court on the 20th of July affirmed the constitutionality of the law. Gen. Curtis appealed to the supreme court, and, at the October term, the chief justice of the United States delivered the opinion of the court sustaining that of the circuit court and affirming the constitutionality of such prohibitory legislation. In the election of the last autumn in all the States where there were reform associations, congressional and state candidates were closely questioned, and their replies were published that their position upon the question of reform might be clearly understood. In the 9th congressional district of Massachusetts, the election turned upon that question. Theodore Lyman was nominated distinctively as a reform candidate, and he was elected by a decisive majority.

The general result of the election was so universally interpreted as a demand for reform that it was not surprising that the State Legislatures which assembled at the beginning of the year showed the same interest in the question which was apparent in Congress. Bills and resolutions upon the subject were introduced in the Legislatures of New York, Pennsylvania, and Ohio. In Ohio no action was taken. In Pennsylvania a general bill was defeated, and a very moderate prohibition of political assessments was adopted. In New York a bill modeled upon the Pendleton bill, mandatory in the State and permissive in cities of 50,000 inhabitants and upward, was prepared by the New York association. With this was combined another bill introduced by Mr. Miller of

the city of New York, giving very searching and extensive authority of inquiry into the municipal service. The bill contained also the most stringent prohibition of political assessments which has yet been proposed. Petitions favoring reform legislation were presented from every part of the State. The New York reform association was ably represented before the committees which had charge of the subject. The republican and democratic young men's clubs of Brooklyn especially interested themselves in the passage of the bill to which the governor of the state was known to be favorable. It had sagacious and intrepid friends and advocates upon the floor of the Legislature, but action was delayed until the very closing hours of the session, when, without amendment and by an enormous majority, the reform bill was passed. It was immediately signed by the governor, who simultaneously nominated a commission which was the earnest of his own good faith and of the firm and honest administration of the law. This event is second only in importance to the passage of the reform bill by Congress. It was in the State of New York that under the council of appointment the spoils system was adopted nearly a century ago. It was the politicians of New York who gave it its first organized impulse. It was in response to Henry Clay's taunt at the New York system that a New York senator made the famous defense that to the victor belong the spoils of his enemy. It is in New York that the evils and the perils, the dishonor, the corruption, the degradation of the system have been most fully displayed. And it was in New York also that the first vigorous, resolute, and unquailing opposition to the evil system was organized. It was most fitting, therefore, that the chief of sinners among the States should lead the van of reform, for the political reform

that is possible in New York is practicable everywhere in the country.

At the last meeting of the league a resolution was adopted requesting the president to bring to the attention of the national executive the letter and order of Mr. Webster as secretary of state, upon the conflict of patronage with the freedom of elections. But at a meeting of the executive committee held later in the year, it was agreed that, in the situation then existing, such action for the present was inexpedient. During the year the attitude of the national executive toward reform has been upon the whole, and notwithstanding certain inconsistencies of conduct, one of friendly observation. The efficiency of the Pendleton bill depended at the beginning wholly upon the good faith of the President. Had he desired to discredit and to defeat its purpose, he had only to appoint an unfriendly commission. But the selection as the first named commissioner of one of the ablest, sincerest, and most devoted friends of reform, Mr. Dorman B. Eaton of New York, and the association with him of Dr. Gregory of Illinois and Judge Thoman of Ohio, was the conclusive earnest of the President's desire to give the reform system fair play. This is the more significant because the President's previous course, and his faith in the spoils system as essential to effective party organization, had excited great apprehension that he would use his vast patronage in a manner to confirm and aggravate the evils of that system. But this apprehension has not been justified. In certain instances indeed, and especially in the removal of the late naval officer of New York, one of the most efficient and experienced officers in the public service, there was a flagrant disregard of the essential principles of reform. But the ingenious manner in which this disre-

gard was vēiled in an apparent desire to promote the interests of reform was in itself evidence of the President's consciousness of the public expectation that tried and capable officers shall not be removed under the plea of the expiration of their terms. But, on the other hand, the president's steady refusal to satisfy the faction of his party which demands that the public patronage shall be prostituted to a factional interest, is most honorable to the chief magistrate; and, whatever exception may be justly taken to many acts of the admistration in regard to appointments and removals, it will not be denied by fair men of every party that a President whose accession by means of a most tragical event was generally regarded as a serious misfortune, if not calamity, has not only allayed all apprehension of a gross misuse of the patronage of the government, but by his pacific and temperate administration has gained the approval of the country.

The league also at the last annual meeting directed the appointment of three committees to issue respectively addresses to the voters, to the clergy, and to the educational authorities of the United States, in promotion of the general objects of the league. The committees were appointed and the addresses were duly issued with the exception to that of the friends of education, which is not yet fully prepared. During the year also the progress of the cause has had a most faithful chronicler in the Civil Service Record, published by the reform associations of Boston and Cambridge. The Massachusetts associations and those in Philadelphia, Baltimore, Buffalo, Pittsburg, and St. Louis have been central points of interest and activity for their various sections of the country. On all sides there are signs of unflagging spirit, and there is no reason to fear that the mutual congratulation and com-

pliment which are natural in this assembly and at this hour, will paralyze the energy or relax the care and foresight of the friends of reform. The passage of the Pendleton bill by Congress and of the State bill in New York; the appointment of the commissioners and their devotion to their duty; the opinion of the supreme court and the prohibition of political assessments, with the general public interest on the subject of reform, are all but incentives to continued effort. The passage of the Pendleton bill is the beginning, not the end, of reform. It prescribe methods of appointment to certain classes of positions in the civil service. But it is to be extended to all similar positions only by direction of the President, and the President will act only in deference to public sentiment. There are also large and most important branches of the service, such as that which includes laborers, to which the reformed system is yet to be adapted, but whose inclusion is demanded by the very purposes of reform. So long as laborers are appointed by mere favoritism, one of the strongest weapons of the spoils system remains. But certainly the same good sense which skilfully applies the reformed method to the selection of night inspectors of customs, will readily provide for applying it also to the appointment of laborers.

Another most important step yet to be taken is the application of the reformed system to the municipal service. The Massachusetts league of reform associations has appointed a very able committee to inquire into the whole subject; and, most fortunately for the enquiry and the experiment, one of the cities in the state of New York of 50,000 inhabitants and upwards is the city of Brooklyn, and the Mayor of Brooklyn is one of the most practical and strenuous friends of reform, Seth Low. He sought an early conference with the New York commission, and I am very sure

that the deliberations of the Massachusetts committee, the New York commission, and Mayor Low will result in a practicable scheme of spoiling the municipal spoilers.

But the especial object to which the National League will devote its attention, now that the Pendleton bill has become a law, has been already declared by its executive committee on the 7th of March, 1883. This object is the repeal of the United States statutes which limit the term of most of the subordinate officers to four years, and which result in practically establishing that term for all offices, places, and employments in the service, except such as are specifically excepted. The mischievous practice is strongly intrenched in tradition, and it is speciously defended. But it was introduced to prostitute the public service to personal control, and it is one of the chief sources of the abuses which have aroused public attention and indignation. The first law upon this subject was approved by President Monroe on the 15th of May, 1820. Until that time the power of executive removal, which was affirmed by the first Congress, was thought to render such a limitation unnecessary. This decision of the first Congress, consequent mainly upon the urgency of Madison, has been regarded as a conclusive interpretation of the constitution. But Madison was very careful to denounce in advance the abuses which have arisen under that interpretation, by declaring, in the most emphatic and unmistakable manner, that the exercise of the power of removal for any reason not connected with the efficiency of the service would subject the president to impeachment. Mr. Jefferson in his famous reply to the remonstrance of the merchants of New Haven against the removal of the collector at that port, commenting upon the action of his predecessor which he considered unjustifiable,

used the phrase which has become familiar; "I shall correct the procedure and, that done, return with joy to that state of things where the only question concerning a candidate shall be, 'Is he honest, is he capable, is he faithful to the constitution?'" In these words Mr. Jefferson recognized that honesty, capacity, and patriotic fidelity had been the considerations which determined appointment and removal.

The constitutional intention is indisputable that appointments shall be made solely upon public considerations, and that the officer appointed shall serve as long as he discharges his duty properly and satisfactorily. This view at once draws the line between political and non-political offices. Public considerations plainly require that those who are selected to represent or to carry into effect the general policy which the country has approved at the polls shall be friendly to it. Washington stated the principle clearly in saying "I shall not, whilst I have the honor to administer the government, bring a man into any office of consequence, knowingly, whose political tenets are adverse to the measures which the general government is pursuing, for this in my opinion would be a sort of political suicide: that it would embarrass its movements is certain." This is the true principle. But it is not a principle applicable to subordinate ministerial officers, as the republican Jefferson and the federalist Bayard both distinctly stated during the delay in the election of 1800. And even one of the most devoted of party politicians, James Buchanan, said in the Senate in 1839: "I should not become an inquisitor of the political opinions of the subordinate office-holders who are receiving salaries of some $800 or $1000 a year." This was the constitutional theory and practice for the

first generation after the establishment of the government. But as the number of officers increased, the power of patronage was proportionally extended and the opportunity to misuse it became irresistible.

The year 1820 marks a distinct epoch in the progress of the spoils system. On the 16th of December, 1819, at the opening of Congress, Mr. Dickerson of New Jersey, a devoted friend of Mr. Crawford who was then secretary of the treasury and a candidate for the presidential nomination, offered a resolution of inquiry into the expediency of altering laws so as to provide a limited term for certain officers mentioned, who should be subject to removal as before. John Quincy Adams records that Mr. Crawford told him that he drew the bill, and Mr. Adams adds that, while its ostensible object was to secure the accountability of certain collecting officers, the real purpose was to secure for Mr. Crawford the influence of all the incumbents in office upon peril of displacement, and of five or ten times as many ravenous office-seekers eager to supplant them. The inquiry proposed by Mr. Dickerson was ordered on the 20th of December. On the 20th of April the finance committee, to which it had been referred, reported a bill accordingly; on the 21st it was read the second time; and on the 5th of May, after some unimportant amendments and without debate, the bill was read a third time and passed by a vote of 29 yeas to 4 nays. On the 9th of May it was received in the House. On the 11th it was reported without amendment, passed without debate, and was approved on the 15th of May. The bill had apparently attracted no especial attention or interest. But the real object of the bill, Mr. Adams says, was accomplished. The custom-house officers throughout the Union, the district

attorneys, marshals, registers of the land-officers, receivers of public moneys, paymasters in the army, and all their family connections became "ardent Crawfordites."

In November of the same year, Gov. DeWitt Clinton of New York said in his message at the opening of the Legislature that the power of the general administration had increased with its patronage, and he declared it to be his solemn duty to protest against the interference of the national office-holders as "an organized and disciplined corps" in the state elections. An angry reply was made by a joint committee of the Senate and Assembly. But their report shows plainly that, while the just and reasonable practice of the earlier administrations still generally prevailed,—so that the collector of New York alleges that the political conduct of his subordinates was wholly uninfluenced by him and that their political sentiments were indifferent or unknown to him,—yet it shows no less that the political abuse of the national patronage had begun. In November, 1820, Mr. Jefferson writes to Mr. Madison totally condemning the four-years' law as introducing fatal intrigue and corruption; as sapping the constitutional functions of the President; placing every office once every four years at the disposition of the Senate; stimulating the constant greed of place; breeding the utmost sycophancy to senators; and engaging them in endless cabals to turn out and put in their parasites. Mr. Madison replies that the law is certainly pregnant with all the mischiefs which Mr. Jefferson describes. It disregards, he says, the important distinction between the legislative function of repealing or modifying the office and the executive function of displacing the officer. Mr. Madison adds that even the legislative modification, if designed to reestablish the office and to allow

a new appointment, would be a violation of the constitution. If the principle of the statute is sound, he argues, Congress may limit the term of appointments to a single year or to the next meeting of Congress—to a week, to a day, as John Quincy Adams remarks, commenting upon Madison's view—and so annihilate the executive power. Mr. Jefferson had said that the President must have signed the law without reading it, because the Senate, which thus legally grasped his power, would never consent to relinquish it. Mr. Madison replies that, if the error be not at once corrected, relief will be difficult, for it is of a nature to take deep root. Mr. Adams, who was then secretary of state, states that President Monroe signed the bill unwarily and without perceiving its real character, and he adopted the practice, which Mr. Adams carefully followed, the only just and constitutional practice, of renominating every officer at the expiration of his commission unless some official delinquency or unfitness could be proved against him.

Both Mr. Jefferson and Mr. Madison clearly foresaw and described the consequences of the four-years' law. On the 4th of May, 1826, the select committee on the reduction of patronage reported to the Senate a bill providing for its repeal, to repair the mischief as much as possible. The report stated that the law operated against its own intent and served to turn out faithful officers instead of retaining them. The expiration of the term had come to be regarded as the creation of a vacancy to be filled by a new appointment, and the proposed bill was intended to secure the professed purpose of the original law by confining the vacation of the office to actual delinquents. The repeal bill did not become a law. The evil had already taken the deep root which

Mr. Madison apprehended. On the 9th of January, 1835, Mr. Calhoun, in his famous report upon the extent of executive patronage, again proposed the repeal of the four-years' act, declaring that the "great and alarming strides" which executive patronage had taken since the report of 1826 made the repeal imperative.

The debate that followed in the Senate is memorable for the fact that Mr. Webster and Mr. Calhoun both arrayed themselves against Mr.. Madison upon the constitutional point of the sole executive power of removal. But they both agreed with Mr. Madison in condemning the four years' law, yet not for his reasons. While he laid chief stress upon the dangerous opportunity which it opened to the Senate, they saw mainly the perilous enlargement of executive power. They were both right. The law stimulated both senatorial intrigue and executive ambition, because of the association of the Senate and the executive in the appointing power. Mr. Webster did not deny that some benefit had been derived from the law, but he thought that the evil results were much greater, and he described plainly and strongly the demoralization and degradation produced by it. The law itself vacates the office, and gives the President the means of rewarding a favorite without exercising the power of removal. It thus enables him to displace a satisfactory officer without the responsibility or odium of dismissing him. The congressional decision of 1789, which gave the sole power of removal to the President, required positive executive action to cause a vacancy. The law of 1820 vacated all the chief financial offices, with all the places dependent upon them, that is, practically it vacated the entire civil service of the country during the term of every president, who without

an order of removal could fill every place, small or large, from Katahdin to Santa Barbara, from the mouth of the Columbia to the keys of Florida, at his pleasure. In contemplating the possible results of so vast a power, Mr. Calhoun said in 1835 that, if it should ever deal with a corps of a hundred thousand office-holders, the friends of liberty might surrender in despair, for the people could not resist them for six months. Mr. Calhoun's gloomy forecast was unjust to the people. The corps that he foresaw has increased far beyond a hundred thousand. But the people have seen the nature and consequences of the despotism founded upon a patronage so enormous, and have already begun to overthrow it.

There has been no later attempt than that of Mr. Calhoun to repeal the four-years' law. The abuse of patronage which was so loudly derided by the whigs during the administration of Jackson and Van Buren was adopted by them upon their success in 1840, and it rapidly became the accepted tradition until at last it was held to be indispensable to government by party. The repeal of the four-years' law was sought no longer, because the law proved to be one of the most convenient means of the prostitution of the public service to personal and party ends, and, as patronage grew, the control of politics by the office-holding interest became more and more organized into a system which destroys legitimate party action and corrupts the government at its very source in the primary meetings of the people.

As the country extended and the number of offices necessarily increased, it is curious that the dangers which necessarily spring from a vast executive patronage did not alarm the sons of fathers who had seen such patronage to be the untiring foe of their liberty

and independence. But their grandsons at least are aroused. They see that the absolute dependence of the great army of employès of the government upon personal favor instead of faithful discharge of duty, creates an enormous danger to republican institutions. They see that personal favoritism is the tap root of the evil to be reformed, and, to destroy that, they have approved the Pendleton bill. But the fixed limited term which is provided by the four-years' bill immensely strengthens the evils of personal favoritism. The limited term fosters utter servility and lack of self-respect, because reappointment depends not upon official fidelity and efficiency, but upon personal favor. The incumbent cannot be properly devoted to his duty, since it is necessary to propitiate the influence which can secure reappointment. The applicant is equally busy in seeking similar influence to obtain the place, and, as fixed terms are constantly expiring, the wretched and demoralizing contest is perpetually raging.

The repeal of the four-years' law, therefore, is an essential step toward the complete correction of the personal and partisan prostitution of the public service which is the object of this league. It is simply a return to the constitutional theory of the framers of the government and to the constitutional practice of the early administrations. It is, further, in complete accord with the measures which have already been adopted in swift and strict deference to the demand of the country. The Pendleton bill provides a method of subordinate appointment which is intended to discard personal favoritism as the basis of the public service and to open the service to all citizens who shall prove their fitness for it. The fundamental principle of the bill is that public employment of every kind and degree is a public trust, and that the public interest

requires only that the trust be discharged honestly, economically, and efficiently. But, in the great multitude of minor ministerial employments, this is impossible under a system of arbitrary removal, and the evil is practically the same whether the removal is effected by personal whim, or supposed party interest, or by the regular course of law.

Yet our position on the subject of removal must be clearly understood. In urging the repeal of the four-years' law, we advocate the constitutional tenure and nothing more. We do not plead for fixed permanence in public place, nor assert a vested right in public employment. Due subordination and discipline are essential to all effective organized service, and, therefore, dismissal for proper cause should be prompt and sure. To this end the power of removal should be left as free as possible, provided that motives for its illegitimate exercise are destroyed. Such a provision secures both proper discipline and a just tenure. The vital condition of efficient devotion to duty in the employments which we have in view is that such diligence is the tenure of the place. This is the condition of private service. No employè in a business house or company pretends to hold a vested right to his place. He may be dismissed at any moment. But he knows that he will not be dismissed so long as he serves faithfully. This conviction is the main-spring of good service. Men remain in the same business employment for 30 or 40 years, not because of any prescribed life term, but because of valuable service. Idle, dissolute, dishonest men are dismissed as soon as they are discovered. But the private employer who should insist upon rotation in place, who should dismiss competent and experienced clerks for no other reason than that they had served in his counting-room for

six months or six years, and because there were other persons in the world who might prove to be equally competent, or because he feared that they might come to think that they had acquired a vested right to their places, would be a fit subject for the writ *de lunatico*. In the transaction of the public as of private business, if the object be good service, a fixed term, unless reappointment is sure to follow good conduct, is absurd and necessarily demoralizing.

But if merit secures continuance, the limitation of term is mere folly. The plea for the four-years' law upon which the sound practice of more than 30 years was disturbed, was that accounting officers would be more careful in the discharge of duty if their offices should be vacated by law every four years. Such a plea, however, assumed that they would be careful because care would secure reappointment. According to this reasoning there would be no inducement to be careful if experience should prove, as it has now proved, that the utmost fitness, long experience, and tried ability did not secure reappointment, and that the fixed term was held to be the rightful measure of the claim to public employment. The argument was that the term was limited in order to make the officer more careful. The fact was that the utmost care did not save him from dismissal at the end of his term. A year ago Mr. Butterworth of Ohio, in an elaborate speech in the House of Representatives, declared that only 49 removals had been made during the nine months of the administration. Upon looking at the figures it appeared, as I said here at the time, that of 825 officers whose terms had expired, the President had reappointed 428 and had not reappointed 397. By Mr. Butterworth's own showing, therefore, nearly 50 per cent. of the officers whose

terms had expired had been dropped from the service. If they were unfit, they should have been dismissed without awaiting the end of their terms. If they were fit, they had been dismissed merely because their terms had expired. In what way can such treatment be held to be an incentive to a more careful discharge of duty? The pretense is absurd. However honestly the four-years' law may have been passed, it has resulted not in securing greater official diligence, but in enabling the executive to traffic in patronage without the odium of removal.

The particular argument for the fixed term in the case of collecting and disbursing officers has been expanded into a general assertion that security of official tenure tends to carelessness, laziness, insolence, and inefficiency. The reply to this assertion is obvious and conclusive. If the security be based upon a right of property in the office, of which the incumbent can be dispossessed only by a process equivalent to a trial in the courts, there is reason in the argument. But it is totally inapplicable to a security of tenure which depends wholly upon good conduct and upon the satisfaction of a superior officer who has no illegitimate motive for dismissal. Negligence and insolence may be expected in an office the chief of which knows that every clerk under him was placed at his desk by a personal influence which the chief does not dare to defy. But negligence and insolence are not probable in an office in which the chief stands in no fear of personal influence and depends for his own security upon the good work of his office. To the whole system of removal by lawsuit we are—if I may speak for the league—resolutely opposed. Having annulled all reason for the improper exercise of the power of dismissal, we hold that it is better to take the risk of occasional injustice

from passion and prejudice, which no law or regulation can control, than to seal up incompetency, negligence, insubordination, insolence, and every other mischief in the service, by requiring a virtual trial at law before an unfit or incapable clerk can be removed.

The scheme of rotation in office presupposes that a republican system requires that every man shall be employed by the government for a certain limited period; or it asserts that continuous service is incompatible with free popular institutions and tends to monarchy. But no scheme of rotation could be devised to give public employment to every citizen. The truth which is smothered under the demagogue's cry of rotation in office is this: That in a republican government it is desirable constantly to bring the fresh intelligence and ability of the people into the direction of public affairs. This is undeniable. And it is because the spoils system arbitrarily excludes this intelligence and ability from every branch of the public service that it is dangerous to republican government. But to secure the constant reinvigoration of the government by fresh talent and energy, to effect such changes of representatives and of policy as the country may desire, the national and state constitutions make ample provision by requiring frequent elections of legislative and chief executive officers. By entrusting to those officers the selection of subordinate ministerial employés, the constitution assumes that such selections and dismissals will be made solely with a view to efficient service. The public hold upon such employés of every kind is through the elective officers who appoint them. But the public interest in them is solely that they shall be appointed and removed in the way least harmful to the public service and to the general welfare. It is for this reason that

when, as in a recent case, a high appointing officer, the commissioner of internal revenue, misused his authority by removing an admirable subordinate to make place for a favorite, a powerful demand was properly made in the press that the President should dismiss the officer who had flagrantly abused his official trust to the injury of the public service and the discredit of the government. The universal public attention which is now directed to such acts, and the sharp censure with which they are exposed and condemned, is but one of the illustrations of the general determination that the system which inevitably breeds such abuses shall be reformed.

In moving for the repeal of the four-years' law, upon which subject Mr. Whitridge of the New York association has prepared a brief and cogent pamphlet which should be generally circulated, we shall carry our appeal, as in all our action, to the great American tribunal, the intelligence of the people. If any body of citizens in the country have reason to trust that intelligence, it is the civil-service reformers. The history of American politics is most encouraging for every man who holds firmly to the American principle, because it shows that reliance upon the popular reason and conscience, and not flattery of popular passion and ignorance and prejudice, is the royal road of progress. Every great reform indeed can wait, because no reform is effective or assured until it rests upon the public conviction, and, in the part that the league has taken honorably to produce that conviction, it has had no reason for doubt or dismay, but every reason for hope and good cheer. In the task that yet lies before it, it will depend upon the same popular patriotism, sagacity, and courage which have achieved the remarkable victories of this year. The watchword

of the hour is the famous order of the German marshal. Amid the smoke and roar of the battle as his blazing lines steadily advanced, the old soldier placidly took snuff and said quietly to his officers, " Patience, gentlemen, and forward!"

The formation of local Associations in every locality where a nucleus can be found is much to be desired, and the Secretary of the League will be glad to assist any movement in that direction. Each Association, when formed, should establish an official connection with the National League. The details of the organization having been furnished to the Executive Committee through the Secretary, that Committee is authorized to admit the association to membership in the League, whereupon it is entitled to elect a member of the General Committee and a representative Vice-President. The Secretary should thereafter be kept informed of the progress of the work, and of changes of officers as they may occur.

Address

WILLIAM POTTS,

Secretary.

NO. 4 PINE ST., NEW YORK.

PRESIDENT.

GEORGE WILLIAM CURTIS.

VICE-PRESIDENTS.

CHAS. FRANCIS ADAMS, JR.,
HENRY BAYLIES,
SILAS BENT,
CHAS. J. BONAPARTE,
J. H. CARPENTER,
ARNOLD B. CHACE,
JOHN C. DODGE,
ETHAN ALLEN DOTY,
EDWARD S. DUNSTER,
EDWARD H. ELWELL,
WILLIAM HAMERSLEY,
HENRY A. HUNTINGTON,
HENRY LAMBERT,
HENRY C. LEA,
HENRY LEE,
D. C. McRUER,
H. M. ODDIE,
E. RUSSELL,
J. D. F. SLEE,
KINSLEY TWINING,
P. G. WATMOUGH,
E. S. WHEELER,
EVERETT P. WHEELER.

SECRETARY.

WILLIAM POTTS.

TREASURER.

JOHN C. ENO.

EXECUTIVE COMMITTEE.

GEORGE WILLIAM CURTIS, Chairman.

SILAS W. BURT,
FREDERIC CROMWELL,
HENRY HITCHCOCK,
JOHN JAY,
A. R. MACDONOUGH,
W. W. MONTGOMERY,
J. HALL PLEASANTS,
SHERMAN S. ROGERS,
WILLIAM CARY SANGER,
CARL SCHURZ,
MOORFIELD STOREY,
EVERETT P. WHEELER,
FREDERIC W. WHITRIDGE,
MORRILL WYMAN, JR.,